

**FIFTY-SEVENTH LEGISLATIVE DAY  
MONDAY, MARCH 8, 2004**

House of Representatives

The House convened at 9:30 a.m., Mr. Denney in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jesse Stricklan, Page.

**Approval of Journal**

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

March 5, 2004

Mr. Speaker:

I return herewith enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479, and H 481** which have been signed by the President.

WOOD, Secretary

Enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479, and H 481** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 5, 2004

Mr. Speaker:

I transmit herewith **S 1363, S 1293, S 1408, S 1379, S 1394, S 1409, S 1410, S 1411, S 1412, S 1413, and S 1414** which have passed the Senate.

WOOD, Secretary

**S 1363, S 1293, S 1408, S 1379, S 1394, S 1409, S 1410, S 1411, S 1412, S 1413, and S 1414** were filed for first reading.

**Report of Standing Committees**

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 818, H 819, H 820, and H 821**.

FIELD(18), Chairman

**H 818, H 819, H 820, and H 821** were filed for second reading.

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 720** to the Governor at 12:55 p.m., as of this date, March 5, 2004.

FIELD(18), Chairman

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 43** to the Secretary of State at 1:46 p.m., as of this date, March 5, 2004.

FIELD(18), Chairman

March 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1243**, as amended, **S 1302, S 1303, and S 1304** and recommend that they do pass.

FIELD(18), Chairman

**S 1243**, as amended, **S 1302, S 1303, and S 1304** were filed for second reading.

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1331, S 1344, and S 1345** and recommend that they do pass.

BARRACLOUGH, Chairman

**S 1331, S 1344, and S 1345** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 822  
BY APPROPRIATIONS COMMITTEE  
AN ACT**

APPROPRIATING MONEYS TO THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE  
DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2005;  
AND LIMITING THE NUMBER OF FULL-TIME  
EQUIVALENT POSITIONS.

**HOUSE BILL NO. 823  
BY APPROPRIATIONS COMMITTEE  
AN ACT**

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 824  
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**H 822, H 823, and H 824** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1363**, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

**S 1293**, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**S 1379 and S 1394**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

**S 1408, S 1409, S 1410, S 1411, S 1412, S 1413, and S 1414**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 808**, by Business Committee, was read the second time by title and filed for third reading.

**H 815, H 807, and H 806**, by Ways and Means Committee, were read the second time by title and filed for third reading.

**H 787**, by Education Committee, was read the second time by title and filed for third reading.

**S 1274**, by Transportation Committee, was read the second time by title and filed for third reading.

**S 1224**, by Bailey, was read the second time by title and filed for third reading.

**S 1318, S 1291, S 1320, and S 1299**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

**Consideration of General Orders**

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker Pro Tem returned to the Chair and the House was in order.

**Report of the Committee of the Whole House**

March 8, 2004

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 666, H 728, H 752, S 1279**, as amended, **H 751, H 754, and H 799** and report them back without recommendation, amended as follows:

**HOUSE AMENDMENT TO H 666**

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 through 26 and insert: "are not trespassing, is vicious. It shall be unlawful for the owner or".

AMENDMENT TO THE BILL

On page 1, following line 37, insert:

"SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTIONS TO TITLE

On page 1, in line 4, delete "VICIOUS," and insert: "VICIOUS"; in line 5, delete "TO EXCLUDE WORKING DOGS"; and in line 6, following "VIOLATION" insert: "; AND DECLARING AN EMERGENCY".

**HOUSE AMENDMENTS TO H 728**

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 15 and insert: "tors in Idaho."; in line 31, following "assignment" delete ","; delete line 32; and in line 34, following "attendance." insert: "Provided however, that an educator may never be granted more than one (1) waiver pursuant to the provisions of this section, nor may any waiver granted extend beyond five (5) years."

AMENDMENT TO THE BILL

On page 1, following line 34, insert:

"SECTION 2. Section 1 of this act shall be null, void and of no force and effect on and after July 1, 2009."

CORRECTIONS TO TITLE

On page 1, in line 4, delete "TO PROVIDE EXCEPTIONS AND"; and in line 5, following "ADOPTED" insert: "AND TO PROVIDE CERTAIN LIMITATIONS FOR WAIVERS; AND TO PROVIDE A SUNSET DATE".

**HOUSE AMENDMENT TO H 752****AMENDMENT TO THE BILL**

On page 1 of the printed bill, delete lines 12 through 43 and delete pages 2, 3, 4 and 5 and insert:

"SECTION 1. That Section 49-319, Idaho Code, be, and the same is hereby amended to read as follows:

49-319. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE. (1) Every noncommercial Idaho driver's license issued to a driver shall expire and be renewable as follows:

- (a) Twenty-one (21) years of age or older shall expire on the licensee's birthday in the fourth year following the issuance of the driver's license.
- (b) At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the driver's license shall expire either on the licensee's birthday in the fourth year or the eighth year following the issuance of the driver's license.
- (c) Every driver's license issued to a driver under eighteen (18) years of age shall expire five (5) days after the licensee's eighteenth birthday.
- (d) Every driver's license issued to a driver eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the licensee's twenty-first birthday.
- (e) Except licenses issued to drivers under twenty-one (21) years of age, every driver's license that is not, as provided by law, suspended, revoked or disqualified in this state or any other jurisdiction shall be renewable on or before its expiration, but not more than twelve (12) months before, upon application, payment of the required fee, and satisfactory completion of the required eyesight examination.

(2) Every commercial driver's license issued to a person twenty-one (21) years of age or older shall expire on the licensee's birthday in the fourth year following issuance of the license, and any Class A, B or C license issued to a person eighteen (18), nineteen (19) or twenty (20) years of age shall expire five (5) days after the licensee's twenty-first birthday. There shall be no option for an eight-year Class A, B or C license.

(3) An applicant who is issued a driver's license in another jurisdiction after an Idaho driver's license has been issued is not eligible for renewal or a duplicate of the Idaho driver's license. The applicant may apply for a new Idaho driver's license as provided in section 49-306, Idaho Code.

(4) No knowledge test shall be required for renewal of a driver's license, except for renewal of a hazardous material endorsement. Appropriate knowledge and skill tests shall be required for an upgrade in a driver's license class or an endorsement addition. In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(5) Except for drivers under twenty-one (21) years of age, when a driver's license has been expired for fewer than twelve (12) months, the renewal of the driver's license shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the driver's license is expired

for twelve (12) months or more, the applicant shall be required to take the knowledge, skills for the class of license or endorsement being applied for, and vision tests and the application shall expire on the licensee's birthday in the fourth year following issuance of the driver's license for drivers twenty-one (21) years of age or older. At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the renewed license shall expire either on the licensee's birthday in the fourth year or the eighth year following issuance.

- (6) (a) If a driver's license has expired or will expire and the licensee is temporarily out-of-state except on active military duty, and the driver's license has not, as provided by law, been suspended, revoked, canceled, denied, refused or disqualified, the licensee may request in writing on a form prescribed by the department an extension of the driver's license. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be less than a twelve (12) month period. If the department determines that an extension of the driver's license is necessary, it may issue a certificate of extension showing the date to which the expired driver's license is extended, and this certificate shall be attached to the expired driver's license. Certificates of extension are limited to two (2) per licensee.

(b) Upon returning to the state of Idaho, the licensee shall within ten (10) days, apply for a renewal of the expired driver's license and surrender the certificate of extension and the expired driver's license.

(c) A hazardous material endorsement cannot be extended.

(7) An Idaho driver's license issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years so long as active duty continues, or shall be renewed upon application in person without the requirement to take a knowledge or skills test if their Idaho driver's license expired while on active duty, if the driver's license is not suspended, denied, disqualified, canceled or revoked, as provided by law, during the active duty, and the driver's license shall remain in full force and effect sixty (60) days following the date the holder is released from active duty.

(8) The department may use a mail renewal process for four-year class D licenses based on criteria established by rule.

(9) A seasonal driver's license is only valid for a one hundred eighty (180) day period from the date of issuance. Only one (1) seasonal driver's license may be obtained in any twelve (12) month period, and may only be obtained twice in a driver's lifetime.

(10) A person who applies for renewal of a license may request that the notation "permanently disabled" be imprinted on the license and the department shall imprint "permanently disabled" on the license if:

- (a) The person has a permanent disability; and
- (b) The person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability as provided in section 49-117, Idaho Code; and
- (c) The department determines that the person meets the requirements for issuance of a license as specified in section

49-313, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

#### CORRECTION TO TITLE

On page 1, delete lines 2 through 10 and insert:

"RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-319, IDAHO CODE, TO PROVIDE FOR RENEWAL OF A DRIVER'S LICENSE UPON APPLICATION IN PERSON WITHOUT THE REQUIREMENT TO TAKE A KNOWLEDGE OR SKILLS TEST IF THE IDAHO DRIVER'S LICENSE HAS EXPIRED WHILE THE PERSON WAS SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES OR IS A MEMBER OF THE IMMEDIATE FAMILY ACCOMPANYING SUCH PERSON; AND DECLARING AN EMERGENCY."

#### HOUSE AMENDMENT TO S 1279, as amended

##### AMENDMENTS TO THE BILL

On page 7 of the engrossed bill, following line 14, insert:

"SECTION 2. That Section 39-105, Idaho Code, be, and the same is hereby amended to read as follows:

#### 39-105. POWERS AND DUTIES OF THE DIRECTOR.

The director shall have the following powers and duties:

(1) All of the rights, powers and duties regarding environmental protection functions vested in the department of health and welfare, and its director, administered by the division of environmental quality, including, but not limited to, those provided by chapters 1, 4, 30, 36, 44, 58, 62, 64, 65, 66, 70, 71, 72 and 74, title 39, Idaho Code. The director shall have all such powers and duties as described in this section as may have been or could have been exercised by his predecessors in law, and shall be the successor in law to all contractual obligations entered into by predecessors in law. All hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this act, formulate and recommend to the board, rules as may be necessary to deal with problems related to water pollution, air pollution, solid waste disposal, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of the law relating to any purpose which may be necessary and feasible for enforcing the provisions of this act, including, but not limited to, the prevention, control or abatement of environmental pollution or degradation including radionuclides and risks to public health related to any of the powers and duties described in this section. Any such rule may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

(3) The director, under the rules adopted by the board, shall have the general supervision of the promotion and protection of the environment of this state. The powers and duties of the director shall include, but not be limited to, the following:

(a) The issuance of licenses and permits as prescribed by law and by the rules of the board promulgated hereunder. For each air quality operating permit issued under title V of the federal clean air act and its implementing regulations, the director shall, consistent with the federal clean air act and its implementing regulations, expressly include a provision stating that compliance with the conditions of the permit shall be deemed compliance with the applicable requirements of the federal clean air act and the title V implementing regulations. The director may develop and issue general permits covering numerous similar sources, as authorized by 40 CFR 70.6(d) as may be amended, and as appropriate.

(b) The enforcement of rules relating to public water supplies and to administer the drinking water loan fund pursuant to chapter 76, title 39, Idaho Code, including making loans to eligible public drinking water systems as defined in the federal safe drinking water act as amended, and to comply with all requirements of the act, 42 U.S.C. 300f, et seq. and regulations promulgated pursuant to the act. This includes, but is not limited to, ~~the adoption and implementation of an operator certification program;~~ the development of and implementation of a capacity development strategy to ensure public drinking water systems have the technical, managerial and financial capability to comply with the national primary drinking water regulations; and the enhancement of protection of source waters for public drinking water systems.

(c) The establishment of liaison with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of environmental pollution. All of the rules adopted by the board hereunder shall apply to state institutions.

(d) The supervision and administration of a system to safeguard air quality and for limiting and controlling the emission of air contaminants.

(e) The supervision and administration of a system to safeguard the quality of the waters of this state including, but not limited to, the enforcement of rules relating to the discharge of effluent into the waters of this state and the storage, handling and transportation of solids, liquids, and gases which may cause or contribute to water pollution. For purposes of complying with the clean water act, the director may provide an exemption from additional reductions for those nonpoint sources that meet the applicable reductions set forth in an approved TMDL as defined in chapter 36, title 39, Idaho Code.

(f) The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of environmental pollution.

(g) The administration of solid waste disposal site and design review in accordance with the provisions of chapter 74, title 39, Idaho Code, and chapter 4, title 39, Idaho Code, and in particular as follows:

(i) The issuance of a solid waste disposal site certificate in the manner provided in chapter 74, title 39, Idaho Code.

(ii) Provide review and approval regarding the design of

solid waste disposal facilities and ground water monitoring systems and approval of all applications for flexible standards as provided in 40 CFR 258, in accordance with the provisions of chapter 74, title 39, Idaho Code.

(iii) Cooperating and coordinating with operational monitoring of solid waste disposal sites by district health departments pursuant to authority established in chapters 4 and 74, title 39, Idaho Code.

(iv) The authority granted to the director pursuant to provisions of this subsection shall be effective upon enactment of chapter 74, title 39, Idaho Code, by the legislature.

(v) The authority to develop and propose rules as necessary to supplement details of compliance with the solid waste facilities act and applicable federal regulations, provided that such regulations shall not conflict with the provisions of this act nor shall such regulations be more strict than the requirements established in federal law or in the solid waste facilities act.

(h) The enforcement of all laws, rules, regulations, codes and standards relating to environmental protection and health.

~~(i) The adoption and implementation of a public wastewater operator certification program to ensure the operators of public wastewater treatment facilities have the technical expertise and certification to comply with federal regulations and state rules dealing with wastewater; and the enhancement and protection of source waters of the state pursuant to rules of the board.~~

(4) The director, when so designated by the governor, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government including, but not limited to, the federal water pollution control act, for use in or by the state of Idaho in relation to health and environmental protection.

(5) The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporation for facilities, land, and equipment when such use will have a beneficial or recreational effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

(6) The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

SECTION 3. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED – ORGANIZATION

-- DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho prune commission, as provided by chapter 30, title 22, Idaho Code; and the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; board of hearing aid dealers and fitters, as provided by chapter 29, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code, and its associated physical therapist advisory board, as provided by chapter 22, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of

veterinary medicine, as provided by chapter 21, title 54, Idaho Code; ~~and the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; and the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code.~~

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety, to be headed by a division administrator and comprised of five (5) bureaus: plumbing, electrical, buildings, public works contractor licensing, and logging and industrial safety. The division administrator and bureau chiefs shall be nonclassified employees exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 40, title 39, Idaho Code, relating to manufactured homes and recreational vehicles; chapter 41, title 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code, relating to manufactured home dealer and broker licensing; chapter 10, title 54, Idaho Code, relating to electrical contractors and journeymen; chapter 19, title 54, Idaho Code, relating to licensing of public works contractors; chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; and shall perform such additional duties as are imposed upon him by law. The division administrator shall cooperate with the industrial commission and aid and assist the commission in its administration of sections 72-720, 72-721 and 72-723, Idaho Code, and at the request of the commission shall make inspection of appliances, tools, equipment, machinery, practices or conditions, and make a written report to the commission. The administrator shall make recommendations to the commission to aid the commission in its administration of sections 72-720, 72-721 and 72-723, Idaho Code, provided however, that nothing herein shall be construed as transferring to the administrator any of the authority or powers now vested in the industrial commission.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies."; and also on page 7, in line 15, delete "SECTION 2" and insert: "SECTION 4".

#### CORRECTIONS TO TITLE

On page 1, in line 24, following "GENERAL;" insert: "AMENDING SECTION 39-105, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 67-2601, IDAHO CODE, TO INCLUDE THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS IN THE DEPARTMENT

OF SELF-GOVERNING AGENCIES;".

#### HOUSE AMENDMENT TO H 751

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 15, delete "shall" and insert: "may"; in line 17, delete "which amount shall not be"; in line 18, delete "reduced or suspended by the court."; in line 23, delete "which amount shall not"; in line 24, delete "be reduced or suspended by the court."; and delete lines 28 and 29 and insert: "created in section 23-404, Idaho Code. Upon conviction".

##### CORRECTIONS TO TITLE

On page 1, in line 6, delete "WITH A PRIORITY" and insert: "."; and delete line 7.

#### HOUSE AMENDMENT TO H 754

##### AMENDMENTS TO SECTION 2

On page 3 of the printed bill, in line 11, delete "based on" and insert: "applied against"; in line 21, delete ";" and insert: "."; delete lines 22 and 23, and insert: "The surcharge offset percentage shall be established by dividing the amount of money to be distributed pursu-"; in line 24, following "subsection" insert: "by the amount of individual income tax projected to be collected during the year"; in line 51, delete "based on" and insert: "applied against"; in line 52, delete ", divided by the"; delete lines 53 and 54, and insert: ". The surcharge offset percentage shall be established by dividing the amount of the surcharge offset against"; in line 55, following "paragraph" insert: "by the amount of corporate income tax and franchise tax projected to be collected during the year".

On page 4, delete lines 14 through 29.

##### CORRECTION TO TITLE

On page 1, delete lines 10 and 11, and insert: "ACCORDING TO CRITERIA SPECIFIED.".

#### HOUSE AMENDMENT TO H 799

##### AMENDMENT TO SECTION 1

On page 2 of the printed bill, following line 49, insert:

"(f) All moneys collected by the state tax commission pursuant to this subsection, which amounts are continuously appropriated for this purpose, shall be deposited with the state treasurer and placed in the state refund account, as provided by section 63-3067, Idaho Code, to be remitted to the county within which the property was located that was not a qualified investment or ceased to qualify during the recapture period. The county shall distribute this remittance to all appropriate taxing districts based on the proportion each appropriate taxing district's levy is to the total of all the levies of the taxing districts for the tax code area where the property was located for each year the exemption was granted. If any taxing district is dissolved or disincorporated, the proportionate share of the remittance to be distributed to that taxing district shall be deposited in the county current expense fund.

(g) For purposes of the limitation provided by section

63-802, Idaho Code, moneys received pursuant to this subsection shall be treated as property tax revenue by taxing districts."

#### AMENDMENT TO SECTION 3

On page 6, in line 26, delete "2004" and insert: "2003".

#### CORRECTION TO TITLE

On page 1, in line 8, delete "OFFICIALS AND" and insert: "OFFICIALS,"; in line 10, following "ELECTION" insert: ", TO PROVIDE THAT ALL MONEYS COLLECTED BY THE STATE TAX COMMISSION FOR AN ERRONEOUSLY TAKEN INVESTMENT TAX CREDIT SHALL BE REMITTED TO THE COUNTY WHERE THE PROPERTY WAS LOCATED THAT WAS NOT A QUALIFIED INVESTMENT OR CEASED TO QUALIFY DURING THE RECAPTURE PERIOD, TO PROVIDE FOR DISTRIBUTION OF MONEYS TO TAXING DISTRICTS WITHIN THE COUNTY AND TO PROVIDE APPLICATION OF THESE MONEYS TO THE THREE PERCENT PROPERTY TAX CAP".

We have also had under consideration **H 757**, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Ms. Jaquet.

Whereupon the Speaker Pro Tem declared the report adopted.

**H 666**, as amended, **H 728**, as amended, **H 752**, as amended, **H 751**, as amended, **H 754**, as amended, and **H 799**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

**S 1279**, as amended, as amended in the House, was filed for first reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

#### Third Reading of Bills and Joint Resolutions

**H 805** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Bell to open debate.

The question being, "Shall **H 805** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas,

Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 67.

NAYS -- None.

Absent and excused -- Ellsworth, Skippen, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 805** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HJM 21** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **HJM 21** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 66.

NAYS -- None.

Absent and excused -- Ellsworth, Schaefer, Skippen, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HJM 21** adopted and ordered the memorial transmitted to the Senate.

Mr. Moyle asked unanimous consent that **S 1266**, **S 1267**, and **S 1268** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

**S 1266** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood to open debate.

The question being, "Shall **S 1266** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer,

Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 66.

NAYS -- None.

Absent and excused -- Ellsworth, Schaefer, Skippen, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1266** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1267** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood to open debate.

The question being, "Shall **S 1267** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Crow, Deal, Ellsworth, Jones, Skippen, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1267** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1268** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood to open debate.

The question being, "Shall **S 1268** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle,

Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Crow, Deal, Ellsworth, Jones, Skippen, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1268** passed the House. Title was approved and the bill was ordered returned to the Senate.

**H 778** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge and Mr. Campbell to open debate.

The question being, "Shall **H 778** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 66.

NAYS -- None.

Absent and excused -- Ellsworth, Skippen, Wood, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 778** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 756** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **H 756** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen,



Pasley-Stuart, Ridinger, Ringo, Robison, Rydalch, Sayler, Schaefer, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 47.

NAYS -- Andersen, Barrett, Bauer, Bedke, Cuddy, Douglas, Eberle, Harwood, Kulczyk, Langford, Martinez, McKague, Moyle, Raybould, Ring, Roberts, Sali, Shepherd, Shirley, Wood. Total -- 20.

Absent and excused -- Bayer, Ellsworth, Skippen. Total -- 3.  
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 756** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 773** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall **H 773** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Bauer, Kulczyk, Langford. Total -- 3.

Absent and excused -- Bradford, Ellsworth, Skippen. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 773** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 731** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

**H 646** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Ring to open debate.

The question being, "Shall **H 646** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Garrett, Harwood,

Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bradford, Ellsworth, Gagner, Skippen, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 646** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 741** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Jones to open debate.

The question being, "Shall **H 741** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Collins, Cuddy, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 51.

NAYS -- Bauer, Boe, Campbell, Clark, Douglas, Eberle, Eskridge, Henbest, Jaquet, Langhorst, Pasley-Stuart, Ringo, Robison, Sayler, Shepherd, Trail. Total -- 16.

Absent and excused -- Crow, Gagner, Skippen. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 741** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 776** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Meyer to open debate.

The question being, "Shall **H 776** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley,

Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Harwood, Kulczyk, McKague, Moyle, Roberts, Sali. Total -- 7.

Absent and excused -- Skippen. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 776** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 777** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker to open debate.

The question being, "Shall **H 777** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Schaefer, Skippen. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 777** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HCR 55** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Sali to open debate.

At this time, the Speaker took the chair.

The question being, "Shall **HCR 55** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Smith(30),

Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Campbell, Schaefer, Skippen. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **HCR 55** adopted and ordered the resolution transmitted to the Senate.

**H 780** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Denney to open debate.

The question being, "Shall **H 780** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Langford, Skippen, Snodgrass. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 780** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 771** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **H 771** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Langford, Skippen, Snodgrass.

Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 771** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 774** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

**HCR 52** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **HCR 52** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Black, Boe, Campbell, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Field(18), Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Ridinger, Ringo, Robison, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Snodgrass, Trail, Mr. Speaker. Total -- 34.

NAYS -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Eberle, Eskridge, Field(23), Gagner, Garrett, Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Smylie, Stevenson, Wills, Wood. Total -- 35.

Absent and excused -- Skippen. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **HCR 52** failed to be adopted and ordered the resolution filed in the Office of the Chief Clerk.

Mr. Denney moved that the House recess until 1:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

## RECESS

### Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

## Third Reading of Bills and Joint Resolutions

**H 500**, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 500**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Harwood, Shepherd. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 500**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

**S 1210** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **S 1210** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Harwood, Shepherd. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1210** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1221** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **S 1221** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Jaquet. Total -- 1.

Absent and excused -- Harwood, Shepherd. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1221** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1237** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **S 1237** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Harwood, Shepherd. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1237** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1255** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Andersen to open debate.

The question being, "Shall **S 1255** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Bauer, Kulczyk, Moyle, Sali. Total -- 5.

Absent and excused -- Crow, Harwood, Shepherd. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1255** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1264** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **S 1264** pass?"

Roll call resulted as follows:

AYES -- Barrett, Bayer, Boe, Bolz, Campbell, Clark, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ring, Ringo, Robison, Sayler, Schaefer, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 42.

NAYS -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Bradford, Cannon, Collins, Ellsworth, Field(18), Field(23), Kulczyk, Lake, Langford, McGeachin, Moyle, Nielsen, Raybould, Roberts, Rydalch, Sali, Shirley, Stevenson, Wood. Total -- 26.

Absent and excused -- Harwood, Shepherd. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1264** passed the House. Title was approved and the bill was ordered returned to the Senate.

**SCR 120** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Garrett to open debate.

The question being, "Shall **SCR 120** be adopted?"

Whereupon the Speaker declared **SCR 120** adopted by voice vote and ordered the resolution returned to the Senate.

**S 1295** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Campbell to open debate.

The question being, "Shall **S 1295** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Schaefer, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Boe, Douglas, Langhorst, Martinez, Mitchell, Pasley-Stuart, Ringo, Sayler, Smith(30), Trail. Total -- 10.

Absent and excused -- Harwood, Naccarato, Shepherd. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1295** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1296** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barraclough to open debate.

The question being, "Shall **S 1296** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Harwood, Shepherd. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1296** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1244** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kulczyk to open debate.

The question being, "Shall **S 1244** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Harwood, Jones, Shepherd. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1244** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1245** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **S 1245** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- Barrett, Clark. Total -- 2.

Absent and excused -- Harwood, Jones, Shepherd. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1245** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1246** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall **S 1246** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- Barrett, Clark, Wood. Total -- 3.

Absent and excused -- Jones, Shepherd. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1246** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1248** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **S 1248** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Shepherd. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1248** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1249** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Pasley-Stuart and Mr. Ring to open debate.

The question being, "Shall **S 1249** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- McKague, Smith(24). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1249** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Tuesday, March 9, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:41 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk